

PUBLIC SUBMISSION

As of: November 16, 2010
Received: November 08, 2010
Status: Posted
Posted: November 16, 2010
Tracking No. 80b84fb7
Comments Due: November 08, 2010
Submission Type: Web

Docket: EPA-R03-OW-2010-0736

Draft Chesapeake Bay Total Maximum Daily Load

Comment On: EPA-R03-OW-2010-0736-0001

Clean Water Act Section 303(d): Notice for the Public Review of the Draft Total Maximum Daily Load (TMDL) for the Chesapeake Bay

Document: EPA-R03-OW-2010-0736-0699

Comment submitted by Jeffrey R. Garvick, Manager, Board of Commissioners, Pennsylvania Township and York County

Submitter Information

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Organization: Board of Commissioners, Pennsylvania Township and York County

Government Agency Type: Local

Government Agency: Pennsylvania Township and York County

General Comment

The PADEP was not afforded sufficient time to develop the Watershed Implementation Plan as the nutrient allotments were not released by EPA until 7-1-10. Sediment allocations were not released until 8-13-10. The fact that draft WIP's were due to EPA just 60 days after receiving the allocation means that more time must be given to address issues and avoid the backstop provisions that are unattainable anyway.

The decision not to extend the 45-day comment period is both capricious and arbitrary. Further, it does not provide adequate time for local officials to discuss and assess the financial impact and facility requirements resulting from the stricter limits.

The Township of Penn also awaits the outcome of the recommendation of the Blue Panel Finance Panel convened in 2004. As you are aware, this panel was ordained by the Chesapeake Executive Council and has recommended that the clean-up effort be financed by the Federal and State governments in the amount of \$15 billion. The Panel rightly recognized that rehabilitation costs could not come from local governments and authority's alone if the Bay restoration were to be successful.

In line with that, the EPA model does not provide reasonable assurance that, should these severely low nutrient limits be applied, point source dischargers can effectively and successfully reduce loadings to anticipated levels. A case in point is the Penn Twp. WWTP, a phase 1 facility, now undergoing a \$15M mandated upgrade to comply with approved limits of 6 mg/l TN & 0.8 mg/l TP. It would be a severe economic hardship to redesign and reconstruct another upgrade to meet the newer, stricter limits. We are also aware that point source dischargers such as Penn Twp. comprise only 14% of the daily nutrient loading entering the Bay but we are being ordered to absorb the bulk of the clean-up costs.

Finally, we question the wisdom of modeling results that does not take into consideration the amount of nitrogen found in groundwater.